

HMK/jb GA7923

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LOUIS DREYFUS CORPORATION

Plaintiff,

07 Civ. 6622 (WHP)  
ECF CASE

-against-

PLAINTIFF'S COMBINED  
DISCOVERY DEMANDS

M/V CMA CGM CORTES, her engines,  
boilers, tackle, etc., ALPHA SHIPMANAGEMENT  
GMBH & CO., KG, ALPHA SHIP GMBH & CO  
KG MS 'NEPTUN', COMPANIA SUD AMERICANA  
DE VAPORES S.A. (C.S.A.V.)

Defendants.  
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S I R S:

PLEASE TAKE NOTICE, you are required to produce the following documents, photographs, and things for discovery, inspection, and copying pursuant to Rule 34, F.R.Civ.P., by February 22, 2008 with respect to the shipment, vessel and voyage which is the subject of this action:

1. All notes, records, and correspondence concerning the booking of the subject eight (8) containers, and all amendments, modifications, and/or corrections issued by defendants.
2. All receiving records for the subject cargo including inland waybills, trucker receipts, seal records, mates receipts, dock receipts, container interchange receipts, receiving records, loading tallies, container yard intake receipts, weigh tickets, preloading and loading survey reports with color photos, with any translations into

English.

3. All preliminary, revised and final stowage plans.
4. All correspondence, telefaxes, emails, and telephone notes concerning the loss of the subject cargo by or between persons and entities, including but not limited to plaintiff, terminal personnel, truckers, police, government authorities, vessel owners, operators, charterers, insurers, surveyors, agents, brokers, and cargo owners, with any translations into English.
5. All documents regarding the discharge and delivery of the subject cargo for the subject voyage including, but not limited to container interchange receipts, delivery receipts, tallies, OS&D reports, survey reports, notices of protest, investigations, and notations of loss or shortage of the subject cargo, with any translations into English.
6. All writings, correspondence, records, files and papers relating to all investigations of claims for loss of the cargo, including the results of such investigations, all instructions and/or inquiries to or from terminal personnel, truckers, government authorities, agents, surveyors, P&I correspondents and P&I clubs, with any translations into English.
7. All cargo declarations and/or cargo manifests for the subject voyage.
8. Charter party and/or agreement(s) regarding defendant CSAV's use of the vessel that carried plaintiff's shipment.
9. Charter party and/or agreement under which defendants Alpha Ship participated in the subject voyage.

10. All intermediate charter parties not otherwise requested in nos. 8 and 9, above.
11. All freight invoices for the carriage of the subject cargo.
12. All records of freight payments for the carriage of the subject cargo.
13. Service contract for the subject shipment.
14. All agreements with others for the inland transportation for the subject shipment, with any translations into English.
15. All agreements with others for the security of the inland move for the subject shipment, with any translations into English.
16. All internal policy manuals and/or directives that relate to the transportation and/or security for the inland portion of the transportation of the subject goods, with any translations into English.
17. All employment records, applications, qualifications, licenses, interview notes, disciplinary records, criminal records, and all other writings related to the employment of the individual identified in Interrogatory no. 3 below.
18. All bills of lading prepared for the subject shipment.
19. All notices of loss, protests, claims, suits, and/or settlements between defendant CSAV and/or its agents and representatives, and the inland trucker and/or the security service for inland moves that relate to the loss of container no. FSCU341183-2, with any translations into English.

PLEASE TAKE FURTHER NOTICE, that plaintiff, Louis Dreyfus Corporation,

hereby propounds the following Interrogatories to defendants herein to be answered under oath pursuant to Rule 33, F.R.Civ.P., and Local Civil Rule 33.3 (b)(1), by or before February 22, 2008:

1. Describe the relationship between defendants and Terminales Maritimas del Pacifico.
2. Identify by name and address the trucking company or companies that carried the subject eight (8) containers to the port of loading.
3. Identify by name and address the individual trucker who transported container no. FSCU341183-2 to the port of loading.
4. List each instance from January 2006 to April 2007, of container theft, loss, or hijacking that occurred in either El Salvador or Guatemala of shipments for carriage by defendant CSAV.
5. For each instance listed in Interrogatory no. 4, identify the cargo carried, and whether the cargo was recovered.
6. Describe the security measures undertaken to protect the subject shipment during inland transportation.
7. Identify the individuals by name and address who participated in the security measures described in Interrogatory no. 6.
8. State whether the trucker identified in Interrogatory no. 3, above, is still employed hauling CSAV containers. If not, state the reason.
9. Describe the relationship between defendants and Thommen Intertrans AG.

Dated: January 23, 2008

KINGSLEY, KINGSLEY & CALKINS

Attorneys for Plaintiff

BY: 

STEVEN P. CALKINS

91 West Cherry Street

Hicksville, N.Y. 11801

(516) 931-0064

To: MAHONEY & KEANE, ESQS.  
Attorneys for Defendant CSAV  
111 Broadway, 10<sup>th</sup> Floor  
New York, New York 10006  
(212) 385-1422

FREEHILL, HOGAN & MAHAR, LLP  
Attorneys for Defendants Alpha  
80 Pine Street  
New York, NY 10005-1759  
(212) 425-1900

**DECLARATION OF SERVICE BY U.S. MAIL**

I hereby declare under the penalty of perjury as prescribed in 28 U.S.C. Sec. 1746, that a true and correct copy of the

**PLAINTIFF'S COMBINED DISCOVERY DEMANDS**

was served on January 23, 2008, via U. S. First Class Mail by depositing same at an official depository of the U.S. Postal Service in a postage prepaid sealed envelope addressed to:

FREEHILL, HOGAN & MAHAR, LLP  
80 Pine Street  
New York, NY 10005-1759

MAHONEY & KEANE, ESQS.  
111 Broadway, 10<sup>th</sup> Floor  
New York, NY 10006

Executed at:           Hicksville, New York  
January 23, 2008

  
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MICHELLE J. GOLDSTEIN